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10/763,072	01/21/2004	Robert F. Sheppard	200901410-1	3704
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EXAMINER KARDOS, NEIL R				
ART UNIT 3623		PAPER NUMBER		
NOTIFICATION DATE 08/18/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/763,072

**Applicant(s)**

SHEPPARD, ROBERT F.

**Examiner**

Neil R. Kardos

**Art Unit**

3623

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 and 16-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
- \_\_\_\_\_ Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- \_\_\_\_\_ Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

This is a **NON-FINAL** Office Action on the merits in response to the request for continued examination filed on June 28, 2010. Currently, claims 1-14 and 16-30 are pending.

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 28, 2010 has been entered.

***Response to Amendment***

Applicant's amendments to the claims are sufficient to overcome the § 101 rejections set forth in the previous office action.

***Response to Arguments***

Applicant's arguments filed on June 28, 2010 have been fully considered but they are not persuasive. Applicant argues that Ann does not teach "assign first items of IT infrastructure to a first role within the enterprise and assign second items of IT infrastructure to a second role within the enterprise, wherein the second items include one or more items of IT infrastructure not included in the first items," "assign the first role to first employees of the enterprise, which assigns the first items of IT infrastructure to the first employees of the enterprise, and assign the

second role to second employees of the enterprise, which assigns the second items of IT infrastructure to the second employees of the enterprise, wherein the second employees include one or more employees of the enterprise not included in the first employees," "model a change in the first items of IT infrastructure assigned to the first employees of the enterprise, and model a change in the second items of IT infrastructure assigned to second employees of the enterprise," and "automatically initiate deployment of the change in the first items of IT infrastructure assigned to the first employees of the enterprise, and automatically initiate deployment of the change in the second items of IT infrastructure assigned to the second employees of the enterprise." (See Remarks, pages 11-13).

Essentially, Applicant is arguing that Ann does not teach multiple items of IT infrastructure, multiple roles, and multiple employees (i.e. the claimed "first and second" items of IT infrastructure, roles, and employees). Examiner respectfully disagrees and asserts that Ann at least suggests these limitations. For example, Ann discloses application software that is assigned to user groups (i.e. more than one user group of employees). These user groups/employees also take on multiple roles and responsibilities (i.e. more than one role). Thus, Ann at least suggests these limitations (see figure 5; paragraphs 33 and 46).

Furthermore, even if Ann only disclosed single items of IT infrastructure, single roles, and single employees, the recitation of multiple of these items amounts to a mere duplication of parts. A duplication of parts has no patentable significance unless a new and unexpected result is produced. As no unexpected result is produced by applying the process/system to multiple items of IT infrastructure, roles, and employees, rather than a single item of IT infrastructure, role, and

employee, this limitation has no patentable significance. See MPEP §2144.04(VI)(B); *In re Harza*, 274 F.2d 669, 671; 124 USPQ 378, 380 (CCPA 1960).

Finally, allocating programs and applications to employees based on their roles and job functions is old and well known. Examiner has provided an additional reference in the rejection (Dean, US 6,336,101) that more explicitly discloses these limitations.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-10 and 16-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ann (US 2002/0198727) in view of Dean (US 6,336,101), and further in view of Wookey (US 2002/0147974).**

Claim 1: Ann discloses a system for managing information technology (IT) infrastructure of an enterprise, the system comprising a centralized logistics and management (CLAM) tool operable to:

in a capture phase:

- capture and store IT infrastructure information regarding the IT infrastructure of the enterprise (see figure 5: items 74, 342; paragraph 29; paragraph 35);
- define a plurality of roles within the enterprise, each role specifying a particular job function within the enterprise (see figure 5: item 314; paragraph 33);

- assign first items of IT infrastructure to a first role within the enterprise and assign second items of IT infrastructure to a second role within the enterprise, wherein the second items include one or more items of IT infrastructure not included in the first items (see figure 5: items 314, 334, and 330; paragraphs 41 and 43-44; paragraph 46); and
- assign the first role to first employees of the enterprise, which assigns the first items of IT infrastructure to the first employees of the enterprise, and assign the second role to second employees of the enterprise, which assign the second items of IT infrastructure to the second employees of the enterprise, wherein the second employees include one or more employees of the enterprise not included in the first employees (see figure 5: items 314, 334, and 330; paragraphs 33, 46);
- in a modeling phase, model a change in the first items of IT infrastructure assigned to the first employees of the enterprise, and model a change in the second items of IT infrastructure assigned to the second employees of the enterprise (see paragraph 14, disclosing impact of changes in components; paragraph 47, disclosing modeling changes in IT infrastructure);

Ann at least suggests multiple items of IT infrastructure, multiple roles, and multiple employees (i.e. the claimed "first and second" items of IT infrastructure, roles, and employees). (See figure 5; paragraphs 33 and 46, disclosing application software that is assigned to multiple user groups/employees, where the user groups/employees also take on multiple roles and responsibilities). Even if Ann only disclosed single items of IT infrastructure, single roles, and single employees, the recitation of multiple of these items amounts to a mere duplication of

parts. A duplication of parts has no patentable significance unless a new and unexpected result is produced. As no unexpected result is produced by applying the process/system to multiple items of IT infrastructure, roles, and employees, rather than a single item of IT infrastructure, role, and employee, this limitation has no patentable significance. See MPEP §2144.04(VI)(B); *In re Harza*, 274 F.2d 669, 671; 124 USPQ 378, 380 (CCPA 1960). Finally, Dean discloses these limitations (see figures 3 and 4; column 6: lines 31-40, disclosing allocating computer programs to particular users based on the user's group and job function). It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the system of Ann to handle multiple items of IT infrastructure, multiple roles, and multiple employees, as disclosed by Dean. This duplication of parts retains the functionality of the singular elements and produces a result that would be predictable to one of ordinary skill in the art.

Ann does not explicitly disclose automatically initiating deployment of the change in the first items of IT infrastructure assigned to the first employees of the enterprise, and automatically initiating deployment of the change in the second items of IT infrastructure assigned to the second employees of the enterprise. However, Ann does suggest this limitation (see paragraph 47, disclosing modeling changes to the enterprise that include changes to the IT infrastructure such as application software; paragraph 43, disclosing events causing IT infrastructure to be implemented). Wookey discloses this limitation (see paragraph 15, disclosing automatically deploying and installing software in a network computing device; paragraph 19, disclosing that the particular software being deploying is dynamically selected and configured to better suit the computing device on which it is installed; paragraphs 26 and 28, disclosing the same). It would have been obvious to one of ordinary skill in the art at the time the invention was made to select

the deployed software of Wookey based on the user roles and employees of Dean and Ann. One of ordinary skill in the art would have been motivated to do so for the benefit of installing the most appropriate software for each employee (see e.g. Dean; Wookey).

Claim 2: Ann discloses wherein the IT infrastructure of the enterprise comprises one or more computer-related facilities, services, and installations used for operations of the enterprise, comprising one or more of computer hardware and computer software (see figure 5: item 74).

Claim 3: Ann discloses wherein the capture phase comprises an existing IT assets area for capturing an existing view of IT infrastructure assets of the enterprise, the existing IT assets area comprising one or more of: asset profiles for IT infrastructure assets of the enterprise (see figure 5: item 342), employee profiles for employees of the enterprise (see figure 5: item 334), location profiles for locations associated with the enterprise (see figure 5: item 320), and division profiles for divisions of the enterprise (see figure 5: item 312).

Claim 4: Ann discloses wherein the CLAM tool is further operable to, if a role assigned to a particular employee is changed to a different role, change the one or more items of IT infrastructure associated with the particular employee to reflect the different role (see paragraph 33, disclosing roles; paragraphs 46-47, disclosing modeling changes; paragraphs 13-14, disclosing change impacts).



Claim 5: Ann discloses the tool further operable to assign one or more additional items of IT infrastructure to the particular employee such that the particular employee receives the one or more additional items of IT infrastructure (see paragraph 48, disclosing the flexibility of the model; see also Dean, figures 3 and 4; column 6: lines 31-40).

Claim 6: Ann discloses wherein the change in the IT infrastructure of the enterprise comprises a technology refresh for one of: a particular employee of the enterprise (see paragraph 33; figure 5: item 314), a particular group of employees of the enterprise (see paragraph 33; figure 5: item 334), all employees of a division of the enterprise (see figure 5: item 312; paragraph 42), all employees of the enterprise (see paragraph 47).

Claim 7: Ann discloses wherein the change in the IT infrastructure of the enterprise comprises a technology refresh for one or more of: a particular workspace of the enterprise, a work area comprising a plurality of workspaces, a building of the enterprise, and all sites associated of the enterprise (see figure 5: item 320; paragraphs 44 and 46).

Claim 8: Ann discloses wherein the change in the IT infrastructure comprises moving one or more employees between: particular workspaces of the enterprise, work areas of the enterprise, or buildings of the enterprise (see paragraph 46; figure 5: items 312 and 320; organization units are associated with locations and modeled to see the effects of changes).

Claim 9: Ann discloses wherein the modeling phase comprises modeling a change to the IT infrastructure of the enterprise according to one or more of: network topology considerations, and one or more business rules associated with the enterprise (see paragraph 32, disclosing governance rules; paragraphs 46-47).

Claim 10: Ann does not explicitly disclose wherein the deployment phase comprises user acceptance testing to determine whether one or more deployed changes in the IT infrastructure of the enterprise was successful and, if the changes were not successful, initiating a process to correct problems. Wookey discloses this limitation (see figure 3: items 332-348; paragraphs 33 and 34, disclosing correcting errors and ensuring successful installation). It would have been obvious to one of ordinary skill in the art at the time the invention was made to test the deployed changes proposed by Ann as taught by Wookey. One of ordinary skill in the art would have been motivated to do so for the benefits associated with testing (e.g. ensuring that fixes work or implementations are successful).

Claim 16: Ann discloses a database operable to store the IT infrastructure information regarding the IT infrastructure of the enterprise (see paragraph 29, disclosing storing the information in a database).

Claims 17-26: Claims 17-26 are substantially similar to claims 1-10 and are rejected under similar rationale.

**Claims 11-14 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ann (US 2002/0198727) in view of Dean (US 6,336,101) and Wookey (US 2002/0147974), and further in view of Northcutt (US 2003/0126001).**

Claim 11: Ann does not explicitly disclose the limitations of this claim. Northcutt discloses:

- receiving a change request, the change request comprising one or more of a request for a change in the IT infrastructure or a request to resolve a problem associated with the IT infrastructure (see paragraphs 46-48, disclosing project requests and service requests);
- creating an incident for the change request, the incident enabling the change request to be tracked and monitored (see paragraph 78, disclosing automatically creating a request for service number);
- determining whether to approve the change request (see paragraph 49, disclose approvals and exceptions; paragraphs 64-65, disclosing approvals);
- if the change request is approved:
  - applying one or more business rules to the change request (see paragraphs 64-65, disclosing automatically change the request type; also disclosing routing the service request to the appropriate party);
  - initiating deployment of IT infrastructure assets for fulfilling the change request (see paragraph 47, disclosing implementing IT assets in response to service or project requests; paragraph 63, disclosing requests for service

for information technology support; paragraph 74, disclosing providing the IT service; paragraphs 7-8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the change tracking system disclosed by Ann when managing the change requests of Northcutt. One of ordinary skill in the art would have been motivated to do so for the benefit of more accurate information based on the system of Ann (which provides a change impact analysis), to be used in the decision-making process.

Claim 12: Ann does not explicitly disclose the limitations of this claim. Northcutt discloses a scheduling procedure for scheduling deployment of the IT infrastructure assets for fulfilling the change request, the scheduling procedure comprising creating one or more milestones for delivery of the IT infrastructure assets for fulfilling the change request (see paragraph 60, disclosing a due date; paragraph 64, disclosing a critical date). Ann and Northcutt are combinable for the reasons discussed above with respect to claim 11.

Claim 13: Ann and Northcutt do not explicitly disclose that if a particular milestone is not met, notifying one or more appropriate individuals that the milestone was not met. Examiner takes Official Notice that it was well-known in the art at the time the invention was made to alert responsible parties when deadlines are not met. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine these well-known alerts with the deadlines of Northcutt. This combination of known elements retains the functionality of the

separate elements and produces a result that would be predictable to one of ordinary skill in the art (e.g. sending an alert when a deadline has passed).

Claim 14: Ann does not explicitly disclose the limitations of this claim. Northcutt discloses one or more follow-up procedures for determining whether the IT infrastructure assets for fulfilling the change request were properly deployed and, if the IT infrastructure assets were not properly deployed, creating a new incident for resolving problems associated with the deployment of the IT infrastructure assets (see paragraph 47, disclosing user testing and acceptance as well as sign-off). Ann and Northcutt are combinable for the reasons discussed above with respect to claim 11.

Claims 27-30: Claim 27-30 are substantially similar to claims 11-14 and are rejected under similar rationale.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Ricardo Chalmeta, et al., "References Architectures for Enterprise Integration," 57 Journal of Systems and Software 175-191 (2001).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil R. Kardos whose telephone number is (571) 270-3443. The examiner can normally be reached on Monday through Friday from 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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